

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of STEPHAN TROY BOWIE,  
DOMINIQUE MAYAKA BOWIE, RACHEL  
SHANTEL BOWIE, MONIQUE AUTUMN  
BOWIE and BRIANNA RENE THOMAS,  
Minors.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

UNPUBLISHED  
August 19, 2003

v

SHERYCE RENE THOMAS,  
  
Respondent-Appellant,

No. 241784  
Wayne Circuit Court  
Family Division  
LC No. 00-392002

and

RODNEY BOWIE,  
  
Respondent.

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Before: Donofrio, P.J., and Bandstra and O’Connell, JJ.

PER CURIAM.

Respondent-appellant Sheryce Thomas (hereafter “respondent”) appeals by delayed leave granted the trial court’s order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g) and (j). We affirm.

Respondent challenges the trial court’s findings concerning the statutory grounds for termination. To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). If the court determines that a statutory ground for termination has been established, the court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child’s best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). We review the trial court’s decision for clear error. *Trejo*, *supra* at 356-357; *Sours*, *supra* at 633. The decision “must strike us as more than just maybe or probably wrong . . . .”

*Sours, supra* (internal quotation marks and citations omitted). Due regard is given to the special ability of the trial court to judge the credibility of the witnesses before it. MCR 2.613(C).

The trial court did not clearly err in finding that the statutory grounds for termination were proven by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). The children were removed from respondent's care in part because of domestic violence between respondent and the children's father. The parents admitted having a history of domestic violence, which included an incident in which respondent pointed a shotgun at the father while one of the children was in the line of fire, and another incident in which the father punched respondent in the abdomen while she was pregnant and he was choking her. According to respondent, five more incidents of domestic violence occurred after the four older children were placed in foster care. One of the incidents led to respondent's hospitalization in a psychiatric ward. At the time of the termination hearing, respondent had separate housing from the father and had complied with some aspects of the parent-agency agreement. However, during the approximate eighteen months that the four older children were in foster care, respondent attended only three sessions of domestic violence counseling. Further, despite her assertions to the contrary, the evidence supports the trial court's determination that a relationship with the father was ongoing. In light of the history of the parents' relationship and respondent's failure to adequately address the issue of domestic violence, the court did not clearly err in determining that termination was warranted under § 19b(3)(c)(i). *In re Miller*, 182 Mich App 70, 83; 451 NW2d 576 (1990). For the same reasons, the trial court's determination that termination was warranted under § 19b(3)(j), because there was a reasonable likelihood that the children would be harmed if returned to respondent's care, also is not clearly erroneous.

Moreover, the court did not clearly err in finding that § 19b(3)(g) was established with respect to respondent. In addition to failing to address the issue of domestic violence, respondent failed to participate in specialized parenting classes in order to enable her to address the children's special needs, and she missed more than half of the children's medical appointments that she was invited to attend. Additionally, she failed to comply with drug screen requirements, despite the court explaining to her that it viewed compliance as a measure of her ability to meet the needs of her children. When she participated in individual therapy, albeit tardily, she failed to complete the therapist's assignments. Although she had adequate housing as of January 2002, her testimony suggested that she did not have adequate income to continue to pay for that home and her living expenses. Under the circumstances, the court did not clearly err in finding that § 19b(3)(g) was established.

Finally, in the absence of clear evidence that termination was not in the children's best interests, the trial court properly terminated respondent's parental rights to the children. MCL 712A.19b(5); *In re Trejo, supra*.

Affirmed.

/s/ Pat M. Donofrio  
/s/ Richard A. Bandstra  
/s/ Peter D. O'Connell